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In re Application of MAUBANT et al	:	
U.S. Application No.: 10/507,369	:	
PCT Application No.: PCT/FR03/00955	:	DECISION
Int. Filing Date: 26 March 2003	:	
Priority Date Claimed: 27 March 2002	:	
Attorney Docket No.: 161.002	:	
For: STRAIN-MEASURING DEVICE	:	

This is in response to applicant's "Petition to the Director Under 37 CFR 1.181, to Request Withdrawal of Holding of Defective Response" filed 27 June 2005.

BACKGROUND

On 26 March 2003, applicant filed international application PCT/FR03/00955, which claimed priority of an earlier France application filed 27 March 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 02 October 2003. The thirty-month period for paying the basic national fee in the United States expired on 27 September 2004.

On 21 September 2004, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 20 April 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905).

On 13 June 2005, the DO/EO/US mailed a Notification of Defective Response, which indicated that supplemental claims fees are due.

On 27 June 2005, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition states that the preliminary amendment cancelled claims so as to eliminate the excess and multiple claims.

37 CFR 1.121(c) states in relevant part,

Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

Although the preliminary amendment contains a listing of current claims, the current claims are improperly presented in French. There is no basis for entry in part of such an amendment.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

The application is being forwarded to the DO/EO/US for processing in accordance with this decision, including charging any outstanding balance to Deposit Account No. 10-0077 as authorized in the Transmittal Letter filed 21 September 2004.



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